

Exhibit

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, )  
 )  
 PLAINTIFF, )  
 )  
 VS. )  
 )  
 HOANG NGUYEN, ET AL., )  
 )  
 DEFENDANTS. )  
 )  
 )  
 )  
 )  
 )

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ATLANTA, GEORGIA  
MAY 23, 2006

PARTIAL TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
PARTIAL TESTIMONY OF HAU THANH NGO  
BEFORE THE HONORABLE BEVERLY B. MARTIN,  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: STEPHANIE GABAY-SMITH  
JENNY TURNER  
UNITED STATES ATTORNEY'S OFFICE  
ATLANTA, GEORGIA 30303

FOR DEFENDANT HOANG NGUYEN: NELSON TYRONE  
ATLANTA, GEORGIA 30338

FOR DEFENDANT TERRI NGUYEN: JAKE WALDROP  
FEDERAL DEFENDER PROGRAM

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

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FOR DEFENDANT JENNY NGUYEN: WILMER (BUDDY) PARKER  
GILLEN, PARKER & WITHERS  
ATLANTA, GEORGIA 30305

FOR DEFENDANT NHUNG NGUYEN: DAVID ROGERS  
ROGERS & THARP  
ALPHARETTA, GEORGIA 30004

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1 (IN ATLANTA, FULTON COUNTY, GEORGIA, MONTH, DAY, YEAR, IN  
2 OPEN COURT.)

3 HAU THANH NGO

4 CALLED AS A WITNESS BY THE UNITED STATES OF AMERICA, AFTER  
5 HAVING BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MS. TURNER:

8 Q. NOW, MR. NGO, WHEN WE LEFT OFF YESTERDAY YOU WERE STANDING  
9 IN THE BACK ROOM OF THE COSMETICS STORE AND WE WERE HAVING A  
10 LITTLE BIT OF DIFFICULTY UNDERSTANDING WHERE EVERYBODY WAS AND  
11 WHAT EVERYBODY WAS DOING. WHAT I'D LIKE FOR YOU TO DO WITH THE  
12 COURT'S PERMISSION IS I'D LIKE FOR YOU TO GET UP AND DRAW A  
13 DIAGRAM ON THIS BOARD OF WHAT THE LAYOUT OF THE COSMETICS STORE  
14 LOOKED LIKE.

15 MS. TURNER: YOUR HONOR, MAY WE DO THAT?

16 THE COURT: YOU MAY.

17 THE WITNESS: YOU WANT ME TO DRAW THE INSIDE OR THE  
18 OUTSIDE, THE FRONT ROOM, THE BACK ROOM, OR THE WHOLE STORE?

19 BY MS. TURNER:

20 Q. I WOULD RATHER YOU DREW THE WHOLE STORE TO THE EXTENT THAT  
21 YOU ARE FAMILIAR WITH IT. OKAY.

22 A. THIS IS THE FRONT DOOR AND THERE'S A ROOM, THE BACK ROOM  
23 HERE. AS I GO IN THIS WAY, IT'S ON THE LEFT-HAND SIDE.

24 Q. IS THERE A DOOR FROM THE FRONT ROOM TO THE BACK ROOM?

25 A. NO. IT'S LIKE A CURTAIN.

1 Q. A CURTAIN. OKAY. SO WHERE DO YOU PASS THROUGH?

2 A. OVER HERE.

3 Q. SO RIGHT HERE?

4 A. THE ROOM IS IN HERE AND THE CURTAIN IS RIGHT HERE. LIKE  
5 WHEN YOU GO IN HERE -- WHEN I'M WALKING IN HERE IT WILL BE ON MY  
6 LEFT.

7 Q. OKAY. SO THE CURTAIN IS WHERE?

8 A. IT WOULD BE TO MY LEFT.

9 Q. ON YOUR LEFT. SO YOU WALK THROUGH A DOORWAY HERE?

10 A. YES.

11 Q. AND THERE'S A CURTAIN HERE?

12 A. THERE'S A LITTLE ROOM AND A CURTAIN RIGHT HERE.

13 Q. NOW, IF YOU CAN EXPLAIN TO THE JURORS BEFORE YOU SIT BACK  
14 DOWN WHERE EVERYBODY WAS ONCE PEOPLE STARTED LOOKING INTO THE  
15 BOX.

16 A. THE LADY THAT YESTERDAY WAS WEARING THE CREAM COLOR OUTFIT.

17 Q. OKAY. AND CAN YOU POINT HER OUT TODAY?

18 A. SHE'S WEARING BLUE.

19 Q. THE BLUE. OKAY.

20 A. SHE'S THE ONE THAT'S HOLDING THE BOX AND COUNTING THE  
21 MONEY. LIKE A BIG CHAIR FOR THEM TO LIE DOWN IF THEY NEED TO.

22 Q. OKAY. AND THAT CHAIR WAS WHERE?

23 A. RIGHT HERE.

24 Q. ALL RIGHT. SO RIGHT THERE THERE'S A CHAIR AND THAT'S WHERE  
25 THE LADY IN THE BLUE -- THE BLuish OUTFIT BACK THERE WAS

1 SITTING?

2 A. WHAT DID YOU SAY?

3 Q. YOU SAID THAT THERE WAS A CHAIR RIGHT HERE. AND IF YOU CAN  
4 WALK THIS WAY A LITTLE BIT SO THE JURY CAN SEE WHAT YOU'RE  
5 POINTING TO. SO THERE WAS A CHAIR. THE LADY IN THE BLUE WAS  
6 SITTING IN THE CHAIR?

7 A. SHE WAS STANDING, NOT SITTING. IT'S A CHAIR LIKE WHERE  
8 THEY DO THE FACIAL.

9 Q. AND SHE WAS STANDING WHERE?

10 A. RIGHT HERE.

11 Q. IN FRONT OF IT?

12 A. YES.

13 Q. OKAY. NOW, WHERE WAS EVERYBODY ELSE?

14 A. I WAS STANDING HERE, AND THE OTHER LADY OVER THERE, AND THE  
15 PERSON THAT CAME AFTERWARDS WAS STANDING BEHIND HER.

16 Q. ALL RIGHT. SO -- AND THE MONEY IS WHERE, ON THE CHAIR?

17 A. YES.

18 Q. SO WE'VE GOT YOU -- LET'S MAKE THIS ROOM BIGGER AND I WANT  
19 TO MAKE SURE I'VE GOT IT RIGHT. THIS IS THE BACK ROOM, OKAY.  
20 AND THIS IS YOUR CHAIR. AND THIS IS THE LADY IN BLUE?

21 A. YES.

22 Q. AND YOU ARE WHERE, HERE? ALL RIGHT. AND THEN THE SECOND  
23 LADY WHO WAS -- WHO IS IN THE PURPLE IN THE BACK, WHERE WAS  
24 SHE? SHE WAS RIGHT HERE. OKAY. AND THEN THE THIRD LADY WHO  
25 ARRIVED?

1 A. SHE IS JUST STANDING THERE.

2 Q. ALL RIGHT. I APPRECIATE IT. GO AHEAD AND SIT BACK DOWN IF  
3 YOU DON'T MIND. THANK YOU. ALL RIGHT. NOW, YOU SAID THAT  
4 THERE WAS A LADY WHO ARRIVED, AND I CANNOT REMEMBER WHETHER YOU  
5 IDENTIFIED THAT LADY WHO ARRIVED.

6 A. I DID NOT RECALL THE PERSON CLEARLY BECAUSE I DID NOT DEAL  
7 WITH THAT PERSON DIRECTLY.

8 Q. OKAY. SO YOU DON'T -- WOULD YOU RECOGNIZE THAT PERSON WHO  
9 ARRIVED IF YOU SAW HER AGAIN?

10 A. NO.

11 Q. ALL RIGHT. BUT THERE ARE THREE PEOPLE BESIDES YOU IN THIS  
12 BACK ROOM. WHERE IS PHUONG, THE FELLOW WITH THE BOX?

13 A. THE PERSON CAME IN, PUT THE BOX DOWN AND WENT OUTSIDE.

14 Q. OKAY. SO NOW IT'S JUST THE FOUR OF YOU?

15 A. YES.

16 Q. AND THE BOX IS IN THE BACK ROOM. TELL ME WHAT EVERYBODY  
17 WAS DOING AND WHAT EVERYBODY WAS SAYING.

18 A. INITIALLY THE PERSON WEARING THE BLUE BLOUSE OPENED THE  
19 BOX.

20 Q. AND YOU ARE REFERRING TO THIS LADY BACK HERE IN THE  
21 TURQUOISE BLUE?

22 A. YES.

23 Q. OKAY. GO AHEAD.

24 A. SHE ASKED HOW MUCH MONEY.

25 Q. ALL RIGHT. AND WHO DID SHE ASK THAT, YOU?



1 A. YES.

2 Q. AND THEN WHAT?

3 A. AND I SAID \$415,000, AND THEN SHE SAID IT'S SUPPOSED TO BE  
4 200, NOT 400.

5 Q. AND WHAT DID YOU SAY, IF ANYTHING, IN RESPONSE TO THAT?

6 A. SHE DIDN'T SAY ANYTHING, BUT THE OTHER LADY, NHUNG, SHE  
7 SAID IT'S OKAY. AND I SAID GO AHEAD AND COUNT THE MONEY.

8 Q. AND YOU SAID GO AHEAD AND COUNT THE MONEY?

9 A. NHUNG.

10 Q. NHUNG SAID GO AHEAD AND COUNT THE MONEY. AND, AGAIN, WE'RE  
11 TALKING ABOUT THE LADY IN THE PURPLE WHEN YOU TALK ABOUT NHUNG;  
12 RIGHT?

13 A. YES.

14 Q. SO NHUNG SAID GO AHEAD AND COUNT THE MONEY, AND THEN WHAT?

15 A. THEY COUNTED IT THE FIRST TIME AND THEN THEY RECOUNTED IT  
16 AGAIN TO MAKE SURE. THEY PUT IT IN A BAG LIKE -- I DON'T KNOW  
17 HOW TO DESCRIBE IT, LIKE A SHOPPING BAG.

18 Q. OKAY. CAN YOU DESCRIBE THAT PROCESS IN A LITTLE MORE  
19 DETAIL IN SPECIFICALLY WHO WAS IT THAT WAS COUNTING THE MONEY?  
20 WAS IT MORE THAN ONE PERSON OR JUST ONE PERSON?

21 A. ONE PERSON COUNTED THE MONEY.

22 Q. OKAY. AND WHICH PERSON WAS THAT?

23 A. THE PERSON IN THE BLUE BLOUSE.

24 Q. THE PERSON WHO'S WEARING A BLUE BLOUSE TODAY?

25 A. YES.

1 Q. NOW, AS THEY COUNTED THE MONEY, WHAT WERE THEY DOING WITH  
2 IT? CAN YOU DESCRIBE PHYSICALLY WHAT THEY WERE DOING?

3 A. EACH STACK IS \$5,000, SO THEY COUNTED EACH STACK. AFTER  
4 THEY COUNTED IT THEY PUT IT IN A BAG.

5 Q. OKAY. AND, AGAIN, YOU ARE SAYING "THEY". WHO DO YOU MEAN  
6 "THEY"?

7 A. THAT PERSON.

8 Q. THAT PERSON WHO IS WEARING THE BLUE SHIRT TODAY --

9 A. YES.

10 Q. -- COUNTED THE MONEY. NOW, WAS THAT PERSON WHO WAS IN THE  
11 BLUE SHIRT TODAY TAKING THE MONEY OUT OF THE BOX OR WAS SHE  
12 PUTTING IT -- I'M SORRY. ANSWER THAT QUESTION FIRST.

13 A. YES.

14 Q. YES. WAS SHE PUTTING THE MONEY SOME PLACE AS SHE TOOK IT  
15 OUT OF THE BOX?

16 A. IN THE BAG.

17 Q. OKAY. I'D LIKE FOR YOU TO TAKE A LOOK AT WHAT'S BEEN  
18 MARKED AS GOVERNMENT'S EXHIBIT 119. TAKING A LOOK AT THAT, DOES  
19 THAT LOOK SIMILAR TO YOU TO THE BAG THAT WAS BEING USED -- OR  
20 SOME OF THE BAGS THAT WERE BEING USED FOR THE PERSON IN THE BLUE  
21 SHIRT TODAY TO PUT THE MONEY INTO AS SHE COUNTED IT?

22 A. YES.

23 Q. NOW, DO YOU REMEMBER WHEN DURING THIS PROCEDURE THE THIRD  
24 LADY ARRIVED?

25 A. ASK ME AGAIN. ARRIVED WHEN?

1 Q. I BEG YOUR PARDON?

2 A. ARRIVED WHEN? ASK ME AGAIN.

3 Q. DO YOU REMEMBER DURING THE PROCESS OF COUNTING THE MONEY  
4 THE THIRD LADY THAT YOU REALLY DON'T REMEMBER WHAT SHE LOOKED  
5 LIKE ARRIVED?

6 A. I DON'T RECALL CLEARLY BECAUSE I WAS NOT PAYING ATTENTION  
7 TO THAT.

8 Q. SO YOU DON'T KNOW WHETHER SHE ARRIVED BEFORE OR AFTER THE  
9 MONEY WAS BEING COUNTED OR DURING?

10 A. I THINK DURING THE TIME WHEN THE MONEY WAS BEING COUNTED.

11 Q. THAT'S WHEN SHE GOT THERE?

12 A. YES.

13 Q. NOW, DID YOU STAY FOR THE ENTIRE TIME WHILE THE MONEY WAS  
14 BEING COUNTED?

15 A. YES.

16 Q. AND WAS THE MONEY COUNTED ONLY ONCE?

17 A. TWO TIMES.

18 Q. TWO TIMES. NOW, WAS THERE ANY EQUIPMENT IN THIS STORE THAT  
19 MIGHT HAVE HELPED WITH COUNTING THE MONEY?

20 A. WHEN I STEPPED IN I SAW THE COUNTING MACHINE MONEY (SIC).

21 Q. WAS THERE ANY DISCUSSION ABOUT THAT COUNTING MACHINE WHILE  
22 YOU WERE THERE?

23 A. NO.

24 Q. DO YOU KNOW WHY THAT MACHINE WAS NOT USED TO COUNT THIS  
25 MONEY?

1 A. I HEARD THAT IT WAS SAID THAT THERE WASN'T ENOUGH TIME.

2 Q. TO USE THAT MACHINE?

3 A. BECAUSE THERE'S TOO MUCH MONEY.

4 Q. DO YOU REMEMBER WHO SAID THAT?

5 A. NO, I DON'T REMEMBER.

6 Q. DO YOU REMEMBER WHO WAS PRESENT WHEN THAT COMMENT WAS MADE?

7 A. I THINK EVERYONE WAS THERE.

8 Q. AND WHEN YOU SAY "EVERYONE," YOU MEAN ALL THREE LADIES THAT  
9 WE'VE TALKED ABOUT?

10 A. YES.

11 Q. OKAY. NOW, WHAT HAPPENED, IF ANYTHING, AFTER THE MONEY WAS  
12 COUNTED?

13 A. WHEN THE MONEY WAS COUNTED, I SAID -- AFTER THE COUNTING OF  
14 MONEY I SAID TO THAT LADY, NHUNG, IF THERE'S ANY MISSING OF  
15 MONEY, LET ME KNOW.

16 Q. WHY DID YOU SAY THAT?

17 A. BECAUSE THERE WAS A PROBLEM BETWEEN DAVID AND ME, AND I  
18 DIDN'T WANT THAT TO HAPPEN WITH THEM.

19 Q. AND DID SHE RESPOND TO THAT?

20 A. SHE SAID OKAY.

21 Q. WHAT HAPPENED NEXT?

22 A. AND THEN AFTER THAT I LEFT.

23 Q. HAVE YOU, TO THE BEST OF YOUR MEMORY, DURING YOUR TESTIMONY  
24 TOLD US EVERYTHING THAT YOU REMEMBER HAPPENING AND EVERYTHING  
25 THAT YOU REMEMBER BEING SAID WHILE YOU WERE IN THIS COSMETICS

1 STORE?

2 A. YES.

3 THE COURT: ANYTHING ELSE OF THIS WITNESS?

4 MS. TURNER: YES, MA'AM. YES, MA'AM.

5 BY MS. TURNER:

6 Q. NOW, YOU SAID YESTERDAY THAT AT THE DIRECTION OF PEOPLE IN  
7 CANADA YOU ALSO GAVE MONEY TO MOVE -- YOU GAVE MONEY TO DAVID  
8 AND THAT YOU GAVE MONEY TO ANOTHER PERSON.

9 A. YES.

10 Q. DO YOU REMEMBER THE NAME OF THAT OTHER PERSON?

11 A. MANH.

12 Q. CAN YOU SPELL THAT, PLEASE?

13 A. M-A-N-H.

14 Q. AND ON HOW MANY OCCASIONS DID YOU GIVE MONEY TO MANH?

15 A. TWO TIMES.

16 Q. CAN YOU DESCRIBE THE CIRCUMSTANCES UNDER WHICH YOU GAVE  
17 MONEY TO MANH?

18 A. MANH DID NOT USE THE CODE BECAUSE I KNOW MANH.

19 Q. HOW DO YOU KNOW MANH?

20 A. I KNEW HIM SINCE I WAS A KID. WHEN THEY GAVE ME THE STUFF  
21 AND IT WAS GIVEN AND DELIVERED, WHEN THE MONEY CAME BACK MANH  
22 WOULD CALL TO MAKE SURE THAT IT'S DONE, THEN HE WOULD COME AND  
23 GET THE MONEY.

24 Q. AND ON HOW MANY OCCASIONS?

25 A. TWO TIMES.

1 Q. NOW, DO YOU KNOW MANH'S LAST NAME?

2 A. NO, BECAUSE I HAVE NOT MET HIM IN OVER TEN YEARS NOW. AND  
3 WHEN WE WERE YOUNG AS VIETNAMESE PEOPLE, WE DON'T KNOW EACH  
4 OTHER BY LAST NAME. WE DON'T USE LAST NAMES.

5 Q. OKAY. ANOTHER QUESTION FOR YOU. DO YOU KNOW THIS LADY?  
6 CAN YOU SEE THE PICTURE FROM WHERE YOU ARE? THIS LADY HERE.

7 A. NO.

8 Q. HAVE YOU EVER SEEN HER BEFORE?

9 A. NOT YET, NO.

10 Q. NOW, MR. NGO, YOU'VE LISTENED -- NOW, WHILE YOU WERE IN THE  
11 BACK ROOM COUNTING THIS MONEY IN THE COSMETICS STORE WAS THERE  
12 ANY ODOR ASSOCIATED WITH THIS MONEY?

13 A. WHEN I PACKED THIS MONEY I SMELLED MARIJUANA.

14 Q. DO YOU HAVE ANY RECOLLECTION AS TO WHETHER OR NOT YOU STILL  
15 SMELLED MARIJUANA WHEN YOU WERE IN THE BACK ROOM?

16 A. I DON'T REMEMBER.

17 Q. BUT YOU ARE A MARIJUANA SELLER?

18 A. YES.

19 Q. WOULD YOU SAY THAT YOU ARE -- YOU'VE BEEN EXPOSED TO A LOT  
20 OF MARIJUANA, HAVEN'T YOU?

21 A. YES.

22 Q. ALL RIGHT. AND DURING YOUR EXPOSURE TO MARIJUANA IS IT A  
23 SMELL THAT YOU WOULD NOTICE MORE OR LESS READILY THAN SOMEBODY  
24 ELSE WHO WASN'T EXPOSED TO AS MUCH MARIJUANA?

25 A. YES.

1 MR. WALDROP: YOUR HONOR, HE'S NOT COMPETENT TO ANSWER  
2 THAT QUESTION.

3 THE COURT: SUSTAINED.

4 MS. TURNER: I'LL ASK IT A DIFFERENT WAY. I'LL ASK IT  
5 A DIFFERENT WAY.

6 BY MS. TURNER:

7 Q. IS MARIJUANA SMELL SOMETHING THAT WOULD DRAW YOUR ATTENTION  
8 EVERY SINGLE TIME?

9 A. THE MARIJUANA SMELL IS A VERY STRONG SMELL THAN ANY  
10 OTHERS. IT'S EASILY NOTICEABLE. IF YOU'RE NEAR IT YOU WILL  
11 SMELL IT.

12 Q. DO YOU NOTICE IT MORE OR LESS IN LIGHT OF YOUR FREQUENT  
13 EXPOSURE TO THAT SMELL?

14 MR. WALDROP: YOUR HONOR, HE'S NOT COMPETENT TO ANSWER  
15 THAT QUESTION. HE WOULDN'T KNOW THE ANSWER TO THAT QUESTION.

16 THE COURT: IT'S ALSO LEADING. COULD YOU JUST RESTATE  
17 IT?

18 MS. TURNER: SURE.

19 BY MS. TURNER:

20 Q. ARE YOU PARTICULARLY SENSITIVE TO THE SMELL OF MARIJUANA?

21 A. YES.

22 Q. NOW, IN THE CONTEXT OF SPEAKING WITH SPECIAL AGENT MCLEOD,  
23 HAVE YOU HAD AN OPPORTUNITY TO LISTEN TO OTHER RECORDED  
24 CONVERSATIONS BESIDES THE ONES THAT WE HAVE TALKED ABOUT  
25 ALREADY?

1 A. YES.

2 Q. ALL RIGHT. I'D LIKE FOR YOU TO TAKE A LOOK AT WHAT HAS  
3 BEEN MARKED AS GOVERNMENT'S EXHIBIT 275.

4 A. YES.

5 Q. DO YOU RECOGNIZE THAT EXHIBIT?

6 A. YES.

7 Q. HOW IS IT THAT YOU'RE ABLE TO RECOGNIZE THAT EXHIBIT?

8 A. MY INITIALS ON THERE.

9 Q. AND IS THIS -- ARE YOU ABLE TO KNOW FROM THE FACT THAT YOUR  
10 INITIALS ARE ON THIS C.D. ROM THAT'S MARKED AS GOVERNMENT'S  
11 EXHIBIT 275?

12 A. YES.

13 Q. THAT IT IS A C.D. ROM THAT YOU HAVE LISTENED TO?

14 A. YES.

15 MS. TURNER: YOUR HONOR, I'M GOING TO NEED TO BRIEFLY  
16 PLAY THIS C.D. ROM FOR THE WITNESS.

17 THE COURT: CAN YOU GET UNDER WAY?

18 MS. TURNER: YES, MA'AM.

19 BY MS. TURNER:

20 Q. WHAT I'D LIKE FOR YOU TO DO IS I'D LIKE FOR YOU TO LISTEN  
21 TO THE VOICES ON GOVERNMENT'S 275. IF YOU RECOGNIZE THE VOICE,  
22 RAISE YOUR HAND. IF YOU DO NOT RECOGNIZE THE VOICE, SHAKE YOUR  
23 HEAD LIKE THIS. BUT WE'RE GOING TO TRY TO MAKE THIS AS SHORT AS  
24 POSSIBLE. WE DON'T NEED TO LISTEN TO THE WHOLE THING.

25 THE COURT: WE NEED SOME KIND OF AN AUDIBLE RESPONSE



1 SO WE CAN MAKE A RECORD.

2 MS. TURNER: YES, MA'AM. I WILL ASK HIM AFTER. I  
3 JUST DON'T WANT TO EXPOSE THE COURT AND THE JURORS TO MORE OF  
4 THIS THAN IS NECESSARY.

5 (AUDIOTAPE PLAYED.)

6 THE WITNESS: I RECOGNIZE THE MALE VOICE.

7 BY MS. TURNER:

8 Q. CAN YOU TELL ME WHOSE VOICE THE MALE VOICE IS?

9 A. DAVID.

10 Q. AND CAN YOU POINT DAVID OUT TO THE JURY?

11 A. (WITNESS COMPLIED.)

12 Q. ALL RIGHT. HOW IS IT THAT YOU'RE ABLE TO RECOGNIZE THAT  
13 VOICE?

14 A. BECAUSE I HAVE SPOKEN TO DAVID MANY TIMES.

15 MS. TURNER: YOUR HONOR, THE GOVERNMENT MOVES TO  
16 ADMIT GOVERNMENT'S 275.

17 THE COURT: IT'S ADMITTED.

18 BY MS. TURNER:

19 Q. NOW, IN ADDITION TO THAT YOU HAVE LISTENED TO SOME OTHER  
20 VOICES, HAVE YOU NOT?

21 A. YES.

22 Q. ARE YOU ABLE TO RECOGNIZE GOVERNMENT'S EXHIBIT 269?

23 A. YES.

24 Q. WHAT IS GOVERNMENT'S EXHIBIT 269?

25 A. IT'S MY INITIALS.

1 Q. AND DO YOUR INITIALS BEING ON THIS DISC TELL YOU ANYTHING  
2 ABOUT THIS DISC? ARE YOU ABLE TO TELL WHETHER YOU ARE FAMILIAR  
3 WITH THIS BECAUSE OF THOSE?

4 A. THAT'S THE DISC THAT I LISTENED TO.

5 MS. TURNER: ALL RIGHT. YOUR HONOR, I WOULD LIKE TO  
6 PLAY THIS ALSO FOR THE WITNESS.

7 BY MS. TURNER:

8 Q. LET'S USE THE SAME PROCESS AS BEFORE, OKAY?

9 A. YES.

10 Q. SO IF YOU RECOGNIZE ANY OF THE VOICES THAT YOU HEAR, TELL  
11 ME TO STOP AND THEN YOU TELL US WHO IT IS, OKAY?

12 A. YES.

13 MS. TURNER: THANK YOU.

14 (AUDIOTAPE PLAYED.)

15 THE WITNESS: I RECOGNIZE.

16 BY MS. TURNER:

17 Q. WERE YOU ABLE TO RECOGNIZE ANY OF THE VOICES ON THAT  
18 RECORDING?

19 A. THE MALE VOICE IS STILL DAVID.

20 Q. OKAY.

21 A. AND THE FEMALE'S VOICE IS NHUNG.

22 Q. I'M GOING TO PLAY A SECOND CALL FOR YOU. THE FIRST CALL  
23 WAS MARKED 0223. THE SECOND CALL IS MARKED 0256. TELL ME TO  
24 STOP IF YOU RECOGNIZE THE VOICE -- ANY OF THE VOICES ON THIS  
25 CALL.

1 (AUDIOTAPE PLAYED.)

2 A. YES.

3 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON THE CALL THAT IS  
4 LABELED AS 256 ON THIS C.D. ROM?

5 A. ALSO, THOSE TWO PEOPLE THAT I MENTIONED.

6 Q. CAN YOU TELL THE JURORS BY NAME WHO THOSE TWO PEOPLE ARE?

7 A. DAVID AND NHUNG.

8 Q. ALL RIGHT. NOW, WHAT ABOUT THE CALL MARKED AS 259, SAME  
9 PROCEDURE ON THE C.D.?

10 (AUDIOTAPE PLAYED.)

11 A. I ONLY RECOGNIZE DAVID'S VOICE.

12 Q. SAY THAT AGAIN, PLEASE.

13 A. I ONLY RECOGNIZE DAVID'S VOICE.

14 Q. SO THE ONLY VOICE YOU RECOGNIZE ON THE CALL MARKED 259 IS  
15 DAVID?

16 A. YES.

17 Q. ALL RIGHT. NOW, WHAT ABOUT -- THIS IS THE ONE MARKED  
18 125 --

19 (AUDIOTAPE PLAYED.)

20 MR. WALDROP: I'M SORRY, WHICH CALL?

21 MS. TURNER: 125 ON THE C.D. ROM.

22 (AUDIOTAPE PLAYED.)

23 THE WITNESS: YES.

24 MS. TURNER: STOP.

25 BY MS. TURNER:

1 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON THIS CALL?

2 A. DAVID AND NHUNG.

3 MS. TURNER: YOUR HONOR, THE GOVERNMENT MOVES TO ADMIT  
4 GOVERNMENT'S EXHIBIT 269.

5 MR. PARKER: I OBJECT UNTIL AFTER CROSS-EXAMINATION,  
6 YOUR HONOR.

7 THE COURT: ALL RIGHT. I'LL JUST RESERVE MY RULING ON  
8 THAT.

9 BY MS. TURNER:

10 Q. ALL RIGHT. I'D LIKE FOR YOU TO TAKE A LOOK AT WHAT IS  
11 MARKED AS GOVERNMENT'S EXHIBIT 274 AND TELL ME WHETHER THAT IS  
12 SOMETHING THAT YOU RECOGNIZE?

13 A. MY INITIAL ON THE DISC, YES.

14 Q. DOES THAT INDICATE TO YOU THAT THIS IS A DISC THAT YOU HAVE  
15 LISTENED TO?

16 A. YES.

17 MS. TURNER: ALL RIGHT. YOUR HONOR, MAY I PLAY THESE  
18 FOR THE WITNESS, PLEASE?

19 THE COURT: YOU MAY.

20 BY MS. TURNER:

21 Q. USING THE SAME PROCEDURE AS BEFORE, STOP ME IF YOU ARE ABLE  
22 TO RECOGNIZE ANY VOICES THAT YOU HEAR. THIS IS CALL 26. IT  
23 LOOKS LIKE THAT MAY BE IT. LET'S SKIP THAT ONE. THIS IS CALL  
24 32.

25 (AUDIOTAPE PLAYED.)

1 Q. NOTHING? DON'T RECOGNIZE ANY VOICES?

2 A. (WITNESS GAVE NO VERBAL RESPONSE.)

3 Q. ALL RIGHT. THIS IS CALL 42.

4 (AUDIOTAPE PLAYED.)

5 Q. NOTHING?

6 A. NO.

7 Q. THIS IS THE CALL MARKED AS 49.

8 (AUDIOTAPE PLAYED.)

9 A. YES.

10 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON 49, ON THIS DISC?

11 A. ONLY ONE PERSON, AND THAT'S DAVID.

12 Q. THIS IS CALL 52 ON THE DISC.

13 (AUDIOTAPE PLAYED.)

14 A. YES, YES.

15 Q. DO YOU RECOGNIZE ANY OF THE VOICES RECORDED ON CALL 42?

16 A. ONLY THE MALE VOICE, WHICH IS DAVID.

17 Q. THIS IS CALL 54.

18 (AUDIOTAPE PLAYED.)

19 A. ONLY ONE PERSON, YES.

20 Q. ALL RIGHT. ON CALL 54, WHICH VOICE DO YOU RECOGNIZE, IF  
21 ANY?

22 A. DAVID'S.

23 Q. THIS IS CALL 56 ON THE DISC.

24 (AUDIOTAPE PLAYED.)

25 A. ONLY ONE PERSON, THAT'S DAVID.

1 Q. ALL RIGHT. ON CALL 56, YOU DO RECOGNIZE A VOICE?

2 A. YES.

3 Q. WHOSE IS THAT?

4 A. DAVID'S.

5 Q. THIS IS CALL 57.

6 (AUDIOTAPE PLAYED.)

7 A. YES, IT'S DAVID'S.

8 Q. CALL 57 IS DAVID'S VOICE?

9 A. YES.

10 Q. DID YOU RECOGNIZE THE OTHER VOICE?

11 A. NO.

12 Q. THIS IS CALL 58.

13 (AUDIOTAPE PLAYED.)

14 A. ONLY ONE VOICE, THAT'S DAVID'S.

15 Q. AND THAT WAS ON CALL 58. THIS IS CALL 68 -- OR, NO. THIS  
16 IS CALL 78.

17 (AUDIOTAPE PLAYED.)

18 Q. YOU DO NOT RECOGNIZE ANY OF THE VOICES ON CALL 78?

19 A. NO.

20 Q. ALL RIGHT. THIS IS CALL 137.

21 (AUDIOTAPE PLAYED.)

22 Q. NOTHING?

23 A. NO.

24 Q. THIS IS 137 AGAIN.

25 (AUDIOTAPE PLAYED.)

1 A. YES, I RECOGNIZE.

2 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON 137?

3 A. THE MALE VOICE, WHICH IS DAVID'S.

4 Q. DO YOU RECOGNIZE THE OTHER VOICE?

5 A. NO.

6 Q. THIS IS 138.

7 (AUDIOTAPE PLAYED.)

8 A. I RECOGNIZE THE VOICE.

9 Q. WHAT VOICE DO YOU --

10 A. ONLY THE MALE VOICE.

11 Q. AND WHAT VOICE IS THE MALE VOICE ON CALL NUMBER 138?

12 A. IT'S DAVID'S.

13 Q. OKAY. HOW ABOUT 213?

14 (AUDIOTAPE PLAYED.)

15 A. ONLY THE MALE VOICE, ONLY ONE.

16 Q. ONLY ONE. WHOSE VOICE IS THAT ON 213?

17 A. DAVID'S.

18 Q. THIS IS 217.

19 (AUDIOTAPE PLAYED.)

20 A. I RECOGNIZE BOTH VOICES.

21 Q. WHO ARE BOTH VOICES?

22 A. ONE IS DAVID'S AND THE OTHER ONE IS THE LADY.

23 Q. THE LADY. AND THAT'S THE PERSON THAT YOU'VE BEEN REFERRING

24 TO AS THE LADY WHOSE NAME YOU DON'T KNOW?

25 A. THAT'S RIGHT.

1 Q. AND THAT WAS 217. ALL RIGHT. THIS IS 219.

2 (AUDIOTAPE PLAYED.)

3 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON 219?

4 A. YES, TWO PEOPLE.

5 Q. CAN YOU TELL THE JURORS WHO THOSE TWO PEOPLE ARE?

6 A. DAVID AND NHUNG.

7 Q. THIS IS -- THIS IS 223 ON THE DISC.

8 (AUDIOTAPE PLAYED.)

9 A. YES.

10 Q. DO YOU RECOGNIZE ANY VOICES ON 213 -- I'M SORRY, THAT'S NOT  
11 THE RIGHT NUMBER.

12 A. DAVID AND NHUNG.

13 Q. AND THAT WAS 223 NOT 213. THIS IS 225.

14 (AUDIOTAPE PLAYED.)

15 A. YES, I REMEMBER.

16 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON 225?

17 A. DAVID AND NHUNG.

18 Q. THIS IS 227.

19 (AUDIOTAPE PLAYED.)

20 A. YES, I RECOGNIZE.

21 Q. ON 227 WHICH VOICES DO YOU RECOGNIZE, IF ANY?

22 A. DAVID AND NHUNG.

23 Q. THIS IS 234.

24 (AUDIOTAPE PLAYED.)

25 A. YES, I RECOGNIZE.



1 Q. DO YOU RECOGNIZE ANY VOICES ON 234?

2 A. ONLY ONE.

3 Q. AND WHAT ONE IS THAT?

4 A. NHUNG.

5 Q. THIS IS 255.

6 (AUDIOTAPE PLAYED.)

7 A. YES.

8 Q. TELL ME IF YOU RECOGNIZE ANY ON 255?

9 A. DAVID AND NHUNG.

10 Q. THIS IS 256.

11 (AUDIOTAPE PLAYED.)

12 A. YES.

13 Q. DO YOU RECOGNIZE ANYONE ON 256, IF ANYONE?

14 A. DAVID AND NHUNG.

15 Q. THIS IS 257.

16 (AUDIOTAPE PLAYED.)

17 Q. STOP?

18 A. YES.

19 Q. DO YOU RECOGNIZE ANY VOICES ON 257?

20 A. NHUNG AND DAVID.

21 Q. THIS IS 258.

22 (AUDIOTAPE PLAYED.)

23 A. YES.

24 Q. WHO, IF ANYONE, DO YOU RECOGNIZE ON 258?

25 A. DAVID AND NHUNG.

1 Q. THIS IS 259.

2 (AUDIOTAPE PLAYED.)

3 A. YES.

4 Q. WHO, IF ANYONE, DO YOU RECOGNIZE ON 259?

5 A. DAVID AND NHUNG.

6 Q. THIS IS 260.

7 (AUDIOTAPE PLAYED.)

8 A. ONLY ONE VOICE.

9 Q. AND WHOSE VOICE IS THAT ON 260?

10 A. DAVID'S.

11 Q. THIS IS 261.

12 (AUDIOTAPE PLAYED.)

13 A. YES, I RECOGNIZE.

14 Q. I BEG YOUR PARDON?

15 A. I RECOGNIZE THE VOICE.

16 Q. ON 261, WHO IS THAT, IF ANYONE?

17 A. DAVID AND NHUNG.

18 Q. 263.

19 (AUDIOTAPE PLAYED.)

20 A. YES.

21 Q. DO YOU RECOGNIZE ANYONE ON 263?

22 A. DAVID AND NHUNG.

23 Q. THIS IS 268.

24 (AUDIOTAPE PLAYED.)

25 A. (WITNESS NODDED HEAD.)

1 Q. DO YOU RECOGNIZE ANYONE ON 268?

2 A. DAVID AND NHUNG.

3 Q. THIS IS 279.

4 (AUDIOTAPE PLAYED.)

5 A. (WITNESS NODDED HEAD.)

6 Q. DO YOU RECOGNIZE ANYONE ON 279?

7 A. ONLY ONE PERSON, THAT'S DAVID.

8 Q. THIS IS 287.

9 (AUDIOTAPE PLAYED.)

10 A. I RECOGNIZE ONE VOICE.

11 Q. AND WHOSE VOICE IS THAT ON 287?

12 A. DAVID'S.

13 Q. THIS IS 288.

14 (AUDIOTAPE PLAYED.)

15 A. I RECOGNIZE ONE VOICE.

16 Q. YOU RECOGNIZE THE VOICE ON 288. WHICH VOICE, IF ANY, IS  
17 THAT?

18 A. DAVID'S.

19 Q. THIS IS 292.

20 (AUDIOTAPE PLAYED.)

21 A. I RECOGNIZE ONLY ONE PERSON.

22 Q. AND WHICH ONE IS THAT ON --

23 A. DAVID'S.

24 Q. AND THAT'S ON 292. WHAT ABOUT 296?

25 (AUDIOTAPE PLAYED.)

1 A. ONLY ONE PERSON.

2 Q. AND WHO IS THAT ON 296?

3 A. DAVID'S.

4 Q. THIS IS 297.

5 (AUDIOTAPE PLAYED.)

6 A. ONLY THE MALE VOICE.

7 Q. AND THE MALE VOICE ON 297 IS WHO?

8 A. DAVID'S.

9 Q. THIS IS 298.

10 (AUDIOTAPE PLAYED.)

11 A. ONLY ONE VOICE.

12 Q. AND WHOSE VOICE IS THAT ON 298?

13 A. DAVID'S.

14 Q. THIS IS 299.

15 (AUDIOTAPE PLAYED.)

16 A. ONLY ONE PERSON.

17 Q. AND WHO DO YOU RECOGNIZE ON 299?

18 A. DAVID.

19 Q. THIS IS 300.

20 (AUDIOTAPE PLAYED.)

21 A. ONLY ONE PERSON.

22 Q. WHO IS THE PERSON THAT YOU RECOGNIZE ON 300?

23 A. DAVID.

24 Q. THIS IS 302.

25 (AUDIOTAPE PLAYED.)

1 A. ONE PERSON.

2 Q. WHO DO YOU RECOGNIZE ON 302?

3 A. DAVID.

4 Q. THIS IS 309.

5 (AUDIOTAPE PLAYED.)

6 A. ONLY ONE PERSON.

7 Q. WHO IS THAT ON 309?

8 A. DAVID.

9 Q. 312, DO YOU RECOGNIZE ANYONE ON 312?

10 (AUDIOTAPE PLAYED.)

11 A. ONLY ONE PERSON.

12 Q. AND WHO IS THAT?

13 A. DAVID.

14 Q. AND THAT WAS 312. THIS IS 314.

15 (AUDIOTAPE PLAYED.)

16 A. ONLY ONE PERSON.

17 Q. AND WHO IS THAT ON 314?

18 A. DAVID.

19 Q. THIS IS 317.

20 (AUDIOTAPE PLAYED.)

21 A. ONLY ONE PERSON.

22 Q. WHO IS THAT?

23 A. DAVID.

24 Q. AND THAT WAS 317. I'M NOW PLAYING 318.

25 (AUDIOTAPE PLAYED.)

1 A. ONE PERSON.

2 Q. WHO IS THAT ON 318?

3 A. DAVID.

4 Q. I'M PLAYING 319.

5 (AUDIOTAPE PLAYED.)

6 A. ONLY ONE VOICE, THAT'S DAVID'S.

7 Q. AND THAT WAS 319. THIS IS 323.

8 (AUDIOTAPE PLAYED.)

9 A. I RECOGNIZE ONE VOICE, THAT'S DAVID'S.

10 Q. AND THAT WAS 323. THIS NOW IS 336.

11 (AUDIOTAPE PLAYED.)

12 Q. DO YOU NEED TO HEAR IT AGAIN?

13 (AUDIOTAPE PLAYED.)

14 A. ONLY ONE PERSON.

15 Q. WHO IS THAT?

16 A. DAVID.

17 Q. WE'RE COMING DOWN THE HOME STRETCH. THIS IS NUMBER 9.

18 (AUDIOTAPE PLAYED.)

19 A. ONLY ONE PERSON?

20 Q. AND WHO IS THAT?

21 A. DAVID.

22 Q. THIS IS 26, CALL NUMBER 026.

23 (AUDIOTAPE PLAYED.)

24 A. ONLY ONE VOICE, THAT'S DAVID'S.

25 Q. THIS IS CALL 032.

1 (AUDIOTAPE PLAYED.)

2 A. I RECOGNIZE ONLY ONE VOICE.

3 Q. AND THAT IS WHO?

4 A. THAT'S DAVID'S.

5 Q. THIS IS CALL 125.

6 (AUDIOTAPE PLAYED.)

7 A. (WITNESS NODDED HEAD.)

8 Q. DO YOU RECOGNIZE ANY OF THE VOICES ON 125?

9 A. DAVID.

10 Q. DAVID. AND NOT THE OTHER?

11 A. NO.

12 Q. 156.

13 (AUDIOTAPE PLAYED.)

14 A. NO.

15 Q. YOU DO NOT RECOGNIZE THE VOICE ON GOVERNMENT'S --

16 A. CAN YOU PLAY THAT AGAIN, THE PREVIOUS ONE?

17 Q. REPEAT THAT ONE? OKAY.

18 A. THE FIRST PART OF IT.

19 (AUDIOTAPE PLAYED.)

20 A. I DON'T RECOGNIZE THE FEMALE VOICE.

21 Q. SO YOU DON'T RECOGNIZE THE ONE WE JUST PLAYED. THIS IS

22 195.

23 (AUDIOTAPE PLAYED.)

24 A. NO, NOT THIS ONE, THE OTHER ONE.

25 MR. PARKER: YOUR HONOR, I OBJECT. IT'S NOT

1 RESPONSIVE TO THE QUESTION AND THE WITNESS IS TRYING TO INSTRUCT  
2 THE ATTORNEY WHAT TO DO. THIS IS 195. THE QUESTION IS, DO YOU  
3 RECOGNIZE ANY VOICES ON 195? THAT'S THE QUESTION POSED TO THE  
4 WITNESS.

5 THE COURT: CORRECT.

6 BY MS. TURNER:

7 Q. YEAH, DO YOU RECOGNIZE ANY VOICES ON 195?

8 A. WHICH ONE IS THAT?

9 THE COURT: THE ONE SHE JUST PLAYED.

10 BY MS. TURNER:

11 Q. THIS IS CALL NUMBER 195.

12 (AUDIOTAPE PLAYED.)

13 A. ONLY DAVID'S.

14 Q. OKAY. ALL RIGHT. NOW, AS TO 196.

15 (AUDIOTAPE PLAYED.)

16 A. ONLY ONE PERSON.

17 Q. AND WHO IS THAT ON 196?

18 A. DAVID.

19 Q. AS TO 201, WHICH IS PLAYING NOW.

20 (AUDIOTAPE PLAYED.)

21 A. I RECOGNIZE ONLY ONE PERSON.

22 Q. AND WHO IS THAT?

23 A. DAVID.

24 Q. AND THAT WAS 201. ALL RIGHT. NOW, AS TO 209.

25 (AUDIOTAPE PLAYED.)



1 A. ONLY ONE PERSON, THAT'S DAVID.

2 Q. THIS IS 210.

3 (AUDIOTAPE PLAYED.)

4 A. ONLY ONE PERSON, THAT'S DAVID.

5 Q. AS TO 213.

6 (AUDIOTAPE PLAYED.)

7 THE COURT: MY NOTES INDICATE YOU'VE ALREADY PLAYED  
8 213.

9 MR. PARKER: I AGREE, YOUR HONOR.

10 MS. TURNER: AND 223.

11 THE COURT: YOU'VE ALREADY PLAYED THAT AS WELL.

12 MR. PARKER: YOU'VE ALREADY PLAYED 223 AS WELL.

13 MS. TURNER: AND 231?

14 THE COURT: I DON'T HAVE THAT IN MY NOTES.

15 MS. TURNER: LET'S PLAY 221, IF I MAY.

16 (AUDIOTAPE PLAYED.)

17 THE WITNESS: ONLY ONE PERSON.

18 BY MS. TURNER:

19 Q. WHO IS THAT PERSON?

20 A. DAVID.

21 Q. AS TO 236 ON THAT 4402.

22 (AUDIOTAPE PLAYED.)

23 A. I RECOGNIZE ONLY ONE VOICE.

24 Q. AND WHOSE VOICE IS THAT?

25 A. DAVID.

1 MS. TURNER: ALL RIGHT. AND CALL 125 ON LINE 4402.

2 THE COURT: MY NOTES INDICATE YOU'VE ALREADY PLAYED  
3 THIS ONE AS WELL. AM I THE ONLY ONE?

4 MR. PARKER: THAT'S CORRECT. ASKED AND ANSWERED, YOUR  
5 HONOR. OBJECTION.

6 THE COURT: CORRECT. SUSTAINED.

7 MS. TURNER: YOUR HONOR, THE WITNESS ASKED ME TO PLAY  
8 THAT ONE AGAIN BECAUSE HE WANTED TO LISTEN TO IT AGAIN. IS IT  
9 ALL RIGHT IF WE PLAY IT AGAIN SO THAT THE WITNESS CAN BE  
10 ABSOLUTELY SURE OF HIS ANSWER?

11 MR. PARKER: OBJECTION. ASKED AND ANSWERED.

12 THE COURT: SUSTAINED.

13 MS. TURNER: THANK YOU, YOUR HONOR. MAY I HAVE A  
14 MOMENT?

15 THE COURT: ANYTHING FURTHER FOR THIS WITNESS ON  
16 DIRECT EXAMINATION?

17 MS. TURNER: YES, YOUR HONOR.

18 BY MS. TURNER:

19 Q. ALL RIGHT. NOW, TAKING A LOOK AT GOVERNMENT'S EXHIBIT

20 275 --

21 A. YES.

22 Q. -- DO YOU RECOGNIZE THIS?

23 A. YES.

24 MR. PARKER: YOUR HONOR, THIS IS ASKED AND ANSWERED  
25 AGAIN. I OBJECT.

1 THE COURT: MY NOTES INDICATE THAT AS WELL.

2 MS. TURNER: I BEG YOUR PARDON?

3 THE COURT: MY NOTES INDICATE THAT AS WELL. YOU HAVE  
4 PLAYED 275.

5 MS. TURNER: WE HAVE NOT PLAYED EVERYTHING ON 275,  
6 YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 MS. TURNER: YOUR HONOR, MAY I HAVE A BRIEF BENCH  
9 CONFERENCE?

10 (BENCH CONFERENCE.)

11 MS. TURNER: I JUST WANTED TO MAKE SURE THAT WE HAVE  
12 COVERED 221, 218 AND 217.

13 THE COURT: 221?

14 MS. TURNER: 221, 218 AND 217.

15 THE COURT: 217, YOU'VE PLAYED. 228, YOU'RE ASKING  
16 ME?

17 MS. TURNER: 218.

18 THE COURT: 218. I DON'T SEE THAT ONE.

19 MS. TURNER: OKAY. AND 221.

20 THE COURT: I DON'T SEE THAT ONE.

21 MS. TURNER: MAY I HAVE PERMISSION TO DO THOSE TWO AND  
22 THEN STOP?

23 THE COURT: OKAY.

24 (IN OPEN COURT.)

25 MR. PARKER: YOUR HONOR, CAN WE IDENTIFY WHAT DISC

1 NUMBER -- WHAT EXHIBIT NUMBER THIS IS?

2 MS. TURNER: YES, YOUR HONOR. THIS IS 274. THIS IS  
3 221.

4 (AUDIOTAPE PLAYED.)

5 THE WITNESS: I RECOGNIZE IT.

6 BY MS. TURNER:

7 Q. ARE YOU ABLE TO RECOGNIZE 221?

8 A. YES.

9 Q. WHO IS ON 221, IF ANYONE?

10 A. DAVID AND THE LADY.

11 Q. AND, AGAIN, WHEN YOU SAY "THE LADY," YOU MEAN THE LADY  
12 WHOSE NAME YOU DON'T KNOW?

13 A. YES.

14 Q. FINALLY, 218.

15 (AUDIOTAPE PLAYED.)

16 A. YES.

17 Q. AND CAN YOU TELL THE JURORS WHO IS ON 218?

18 A. THE LADY AND DAVID.

19 Q. AND, AGAIN, THAT'S THE LADY WHOSE NAME YOU DON'T KNOW?

20 A. YES.

21 MS. TURNER: AND THOSE WERE ALL FROM GOVERNMENT'S  
22 EXHIBIT 274. LET ME MAKE SURE THAT'S RIGHT. YEAH, 274.

23 THE COURT: BOTH?

24 MS. TURNER: BOTH.

25 THE COURT: OKAY. ANYTHING FURTHER OF THIS WITNESS?

1 MS. TURNER: NOTHING OTHER THAN, YOUR HONOR, TO MOVE  
2 INTO EVIDENCE GOVERNMENT'S EXHIBIT 18, GOVERNMENT'S EXHIBIT 273,  
3 BOTH OF WHICH ARE PHONE CALLS. GOVERNMENT'S -- WELL, WE'VE  
4 ALREADY TALKED ABOUT 275 AND 274 AND 269, I BELIEVE.

5 THE COURT: ARE 18 AND 273 TRANSCRIPTS?

6 MS. TURNER: 18 AND 273 ARE SUBSCRIBER RECORDS AND  
7 TOLL RECORDS.

8 THE COURT: ALL RIGHT. HAVE YOU ALL SEEN THOSE?

9 MR. PARKER: I BELIEVE. YOUR HONOR, AS TO 273, EXCEPT  
10 FOR THE CALLS THAT HAVE BEEN SPECIFICALLY IDENTIFIED, I OBJECT  
11 TO ALL OTHER MATERIALS IN TERMS OF NEEDING REDACTION FROM THE  
12 DOCUMENT. I BELIEVE THERE WERE TWO POSSIBLY CALLS IDENTIFIED BY  
13 THIS WITNESS, AND THERE MAY BE OTHERS TO BE IDENTIFIED BY AGENT  
14 MCLEOD. SO I OBJECT TO THE ENTIRETY OF THE DOCUMENT AS BEING  
15 NOT RELEVANT.

16 MS. TURNER: AND, YOUR HONOR, MAY I RESPOND? JUST  
17 BRIEFLY, IT WAS MANY MORE THAN TWO CALLS. THE WITNESS ON THIS  
18 DOCUMENT, GOVERNMENT'S 273, CIRCLED EACH TIME THAT HIS PHONE  
19 NUMBER APPEARED. SO, AT A MINIMUM, THE GOVERNMENT WOULD ASK  
20 THAT THE COURT ADMIT THE INFORMATION TO WHICH THE WITNESS  
21 CIRCLED AS IDENTIFYING HIS OWN PHONE NUMBER AND HIS SUBSCRIBER  
22 INFORMATION.

23 MR. PARKER: I DON'T OBJECT TO THAT, IT'S ALL THE  
24 OTHER CALLS THAT AREN'T RELEVANT TO THIS CASE.

25 THE COURT: I'M AT A DISADVANTAGE BECAUSE I DON'T KNOW

1 WHICH -- IF MR. PARKER IS NOT OBJECTING TO IT AS A LIMITED  
2 DEMONSTRATION OF THIS WITNESS AND HIS PHONE CALLS, I WILL ADMIT  
3 IT. IF WE HAVE A PROBLEM ABOUT SOMETHING NEEDING TO BE REDACTED  
4 FROM THAT EXHIBIT, I ASSUME YOU WILL TAKE CARE OF THAT OR LET ME  
5 KNOW IF I NEED TO GET INVOLVED.

6 MR. PARKER: THANK YOU.

7 MS. TURNER: THANK YOU.

8 (CROSS-EXAMINATION NOT REQUESTED  
9 TO BE TRANSCRIBED.)

10 REDIRECT EXAMINATION

11 BY MS. TURNER:

12 Q. MR. NGO, YOU'VE SHOWN US DURING THE LATTER PART OF YOUR  
13 CROSS-EXAMINATION THAT YOU SPEAK ENGLISH, HAVEN'T YOU?

14 A. RIGHT.

15 Q. NOW, WHY IS IT THAT YOU HAVE BEEN -- OR THAT YOU USED A  
16 TRANSLATOR DURING THE FIRST PART OF YOUR EXAMINATION?

17 A. BECAUSE I --

18 Q. AND IF YOU COULD SPEAK INTO THE MICROPHONE. IT'S VERY HARD  
19 FOR THE JURORS TO HEAR YOU.

20 A. BECAUSE NOT EVERYTHING THAT I UNDERSTAND. YOU SEE, ENGLISH  
21 IS MY SECOND LANGUAGE, SO THERE ARE CERTAIN THINGS THAT I WILL  
22 UNDERSTAND CLEARLY AND CERTAIN THINGS I DON'T UNDERSTAND. SO,  
23 YOU KNOW, I WANT TO MAKE SURE THAT I UNDERSTAND EVERYTHING THAT,  
24 YOU KNOW, YOU ASK.

25 Q. DID YOU UNDERSTAND EVERY SINGLE QUESTION THAT WAS ASKED OF

1 YOU THROUGHOUT THE COURSE OF YOUR EXAMINATION BY EACH OF THE  
2 LAWYERS?

3 A. YES.

4 Q. DID YOU UNDERSTAND IT IMMEDIATELY?

5 A. NO.

6 Q. OR DID IT TAKE YOU SOME TIME?

7 A. SOME OF THEM TAKE SOME TIME.

8 Q. WERE YOU PLAYING GAMES PRETENDING NOT TO UNDERSTAND?

9 A. NO.

10 Q. NOW, I WANT YOU TO EXPLAIN SOME THINGS TO THE JURORS, IF  
11 YOU WOULD. YOU WERE CROSS-EXAMINED ON THE ISSUE OF WHO KNEW  
12 PARTICULAR THINGS ABOUT THE BUSINESS YOU WERE IN. IN YOUR  
13 EXPERIENCE AS A DRUG DEALER, DO DRUG DEALERS TELL OTHER PEOPLE  
14 IN THEIR CRIMINAL VENTURES ABOUT THEIR PERSONAL DETAILS, THEIR  
15 PERSONAL INFORMATION?

16 A. YOU DON'T TELL OTHER PEOPLE YOUR INFORMATION.

17 Q. DO YOU TELL PEOPLE WHAT YOUR GIRLFRIEND'S NAME IS WHO ARE  
18 IN THE BUSINESS WITH YOU?

19 A. IN THE BUSINESS?

20 Q. MM-HUM.

21 A. NORMALLY THEY WOULD KNOW. IF THEY KNOW ME, THEY WOULD KNOW  
22 WHO I HANG OUT WITH. I DON'T NEED TO TELL THEM WHO.

23 Q. WOULD YOU TELL PEOPLE WHO WERE INVOLVED IN CRIMINAL  
24 ACTIVITY WITH YOU NECESSARILY WHERE YOUR LEGITIMATE JOB WAS?

25 A. NO.

1 Q. WOULD YOU TELL PEOPLE WHERE YOU LIVED, FOR INSTANCE?

2 A. NO.

3 Q. WHY NOT?

4 A. BECAUSE I'VE GOT TO BE SCARED THAT -- I DON'T WANT PEOPLE  
5 LEAD DIFFERENT THINGS TO ME, DIFFERENT SITUATIONS, LEAD FOR ME  
6 TO GET ARREST OR DANGER TO MYSELF OR MY FAMILY OR WHATEVER.  
7 THEY COULD ROB ME OR WHATEVER.

8 Q. SO LET'S BREAK THAT DOWN. WELL, LET'S JUST MOVE ON. NOW,  
9 BEING A DRUG DEALER, YOU ARE FAMILIAR WITH THE PROCEDURES THAT  
10 DRUG DEALERS USE; RIGHT?

11 A. RIGHT.

12 Q. IS IT COMMON PRACTICE FOR DRUG DEALERS TO TRANSPORT DRUGS  
13 AND MONEY AT THE SAME TIME FROM PLACE TO PLACE?

14 A. NO.

15 Q. WHY?

16 A. BECAUSE THEY DON'T WANT TO, YOU KNOW --

17 Q. AND IF YOU COULD SPEAK INTO THE MICROPHONE.

18 A. NO DRUG DEALER WANTS YOU TO PUT TWO THINGS TOGETHER.

19 Q. WHY NOT?

20 A. BECAUSE IF YOU GOT BUSTED ON ONE THING AND YOU PUT TWO  
21 THINGS TOGETHER, YOU ARE GOING TO LOST BOTH OF THEM, SO THEY  
22 NEVER PUT IT TOGETHER.

23 Q. ALL RIGHT. YOU SAID YOU SOLD MARIJUANA. WHAT KIND OF  
24 MARIJUANA DID YOU SELL?

25 A. HYDRO.



1 Q. WHAT IS HYDRO?

2 A. IT'S A HIGH CLASS OF MARIJUANA, EXPENSIVE. AND FOR WHAT I  
3 KNOW, IT'S ONLY -- GET IT FROM CANADA.

4 Q. ONLY FROM CANADA?

5 A. FROM WHAT I KNOW.

6 Q. FROM WHAT YOU KNOW. NOW, YOU TESTIFIED THAT YOU HAD NEVER  
7 SEEN NHUNG NGUYEN PRIOR TO HER COMING INTO THE COSMETICS STORE  
8 WHEN YOU AND PHUONG DELIVERED THE MONEY; RIGHT?

9 A. RIGHT.

10 Q. HOW WAS IT THAT YOU KNEW THAT IT WAS NHUNG COMING INTO THE  
11 COSMETICS STORE IF YOU HAVE NEVER SEEN HER BEFORE?

12 A. BECAUSE WHEN I CAME IN THERE I WAIT AND THEN, YOU KNOW,  
13 WHEN SHE COME AND THEN SHE LOOKED AT ME AND THEN, YOU KNOW, I  
14 LOOKED AT HER AND WE JUST STARTED FROM THERE.

15 Q. AND WHEN YOU SAY "WE JUST START FROM THERE," EXPLAIN WHAT  
16 YOU MEAN.

17 A. I WOULD ASK HER, LIKE, YOU KNOW, LIKE, I WAS ASKING HER IF  
18 IT WAS HER. I ASKED HER IS IT HER.

19 Q. IS IT YOU; IS THAT WHAT YOU SAID?

20 A. YEAH, AFTER WE CONTACT, LIKE EYE-TO-EYE CONTACT, I'M THE  
21 ONLY MAN IN THIS AND SHE KNOW THAT I WAS GOING TO BE THERE AND  
22 WAITING FOR HER. SO WHEN SHE COME IN THE STORE -- BECAUSE ONLY  
23 ME WAITING FOR HER IN THERE, ONE MAN.

24 Q. BREAK THAT DOWN A LITTLE BIT. I'M HAVING A LITTLE TROUBLE  
25 UNDERSTANDING YOU. YOU MAY NEED TO GO THROUGH THE TRANSLATOR

1 BECAUSE I'M HAVING A LITTLE TROUBLE WITH YOUR ACCENT.

2 A. LET'S SAY BECAUSE I CALLED HER AND I WAS THERE ALREADY.

3 SEE, WHEN I WAS THERE, SO SHE KNOW I WAS OVER THERE WAITING FOR

4 HER. SO WHEN SHE CAME, SHE SAW ME IN THE STORE. THAT'S WHY SHE

5 EXPECT THAT IT'S ME. SO THEN, YOU KNOW.

6 Q. DID SHE GREET YOU OR DID YOU GREET HER?

7 A. I GREET HER FIRST.

8 Q. AND WHAT DID YOU SAY?

9 A. I SAID, LIKE, I ASKED HER IS THIS HER.

10 Q. AND YOU'VE JUST SAID A VIETNAMESE PHRASE; CORRECT? CAN THE

11 TRANSLATOR TRANSLATE WHAT HE JUST SAID?

12 A. IS THIS SISTER NHUNG.

13 Q. SO YOU SAID IS THIS SISTER NHUNG IN VIETNAMESE. AND DID

14 SHE SAY ANYTHING?

15 A. SHE SAID YES.

16 Q. AND THAT'S HOW YOU WERE ABLE TO RECOGNIZE HER?

17 A. YES.

18 Q. NOW, YOU ALSO WENT -- YOU SAID THAT YOU WENT BACK TO THE

19 COSMETICS STORE AFTER AHN CALLED YOU TO TELL YOU ABOUT THE

20 SEIZURE TO FIND OUT IF WHAT AHN SAID WAS TRUE?

21 A. RIGHT.

22 Q. IS THAT CORRECT?

23 A. RIGHT.

24 Q. WHAT HAPPENED WHEN YOU WENT BACK TO THE COSMETICS STORE?

25 A. WE DIDN'T PARK IN THE PARKING LOT. WE PARKED ON THE OTHER

1 SIDE. AND THEN I ASKED MY GIRL, YOU KNOW, JUST WALK BY AND SEE  
2 IF THERE ARE ANY COP OR ANY POLICE IN THE STORE. AND THEN I  
3 THOUGHT WHEN YOU GOT ARRESTED, YOU KNOW, THERE WOULD BE POLICE  
4 PEOPLE AND STUFF. BUT THEN I ASKED MY GIRLFRIEND TO DO THAT AND  
5 SHE DO THAT AND SHE SAID THERE'S NOTHING IN THE STORE, THERE'S  
6 NOTHING HAPPENING, NO MOVEMENT. SHE JUST SAW TWO LADIES IN THE  
7 STORE AND THAT'S IT. AND THEN I WENT BACK TO THE CAR AND THEN I  
8 TALKED TO AHN. I SAID, I DON'T SEE ANYTHING. THEY COULD BE  
9 FAKING. THAT'S WHAT WE WERE TALKING ABOUT.

10 Q. DID YOU PERSONALLY EVER GO BACK INTO THE STORE?

11 A. NO.

12 Q. NOW, DURING YOUR CONVERSATIONS OR YOUR MEETINGS WITH THE  
13 PERSON THAT YOU KNEW AS DAVID, DID DAVID EVER ASK YOU WHETHER  
14 THERE WAS ANYTHING ELSE THAT HE COULD DO BESIDES PICK UP MONEY?

15 A. THAT'S WHAT HE ASKED ME.

16 Q. OKAY. EXPLAIN TO THE JURORS HOW THAT HAPPENED AND WHAT WAS  
17 SAID.

18 MR. TYRONE: YOUR HONOR, I HAVEN'T JUMPED IN BEFORE,  
19 BUT WE'RE FAR BEYOND THE SCOPE OF CROSS AT THIS POINT. WE'RE  
20 HEARING BRAND NEW TESTIMONY. IF WE ARE HEARING NEW TESTIMONY,  
21 WHICH IS WHAT I BELIEVE WE ARE --

22 MS. TURNER: THE QUESTIONS ON CROSS, YOUR HONOR, WERE  
23 AS TO WHETHER OR NOT DAVID HOANG KNEW THAT THIS DEFENDANT WAS IN  
24 THE DRUG BUSINESS. THIS GOES TO THAT ISSUE.

25 THE COURT: I'LL PERMIT IT.

1 MR. TYRONE: I'M SORRY, YOUR HONOR?

2 THE COURT: I'LL PERMIT IT.

3 MR. TYRONE: OKAY. WILL I BE ALLOWED TO RECROSS JUST  
4 ON THIS POINT?

5 THE COURT: YES.

6 MR. TYRONE: I DID NOT ASK ABOUT DISCUSSIONS BETWEEN  
7 THE TWO OF THEM AND THAT'S A MISREPRESENTATION FROM THE  
8 GOVERNMENT. I HAVE MY NOTES IN FRONT OF ME. IF THEY WANT TO GO  
9 INTO IT, I JUST WANT THE OPPORTUNITY TO CROSS HIM ON IT.

10 THE COURT: ALL RIGHT. I'LL PERMIT IT.

11 BY MS. TURNER:

12 Q. DO YOU REMEMBER THE QUESTION?

13 A. CAN YOU ASK THAT AGAIN, PLEASE?

14 Q. DID DAVID EVER ASK YOU WHETHER THERE WAS ANYTHING ELSE THAT  
15 HE COULD DO BESIDES PICK UP MONEY?

16 A. YES.

17 Q. CAN YOU EXPLAIN WHAT HAPPENED?

18 A. THERE'S ONE TIME THAT WE WERE TALKING BECAUSE WHEN WE MEET  
19 AND WE JUST TALK.

20 Q. SO YOU WERE IN PERSON?

21 A. YES, IN PERSON. AND WE WERE TALKING AND HE ASKED, YOU  
22 KNOW, LIKE, IS THERE ANYTHING THAT HE COULD DO TO MAKE SOME MORE  
23 MONEY. AND I TOLD HIM THAT, YOU KNOW, LIKE, IF HE -- IN ATLANTA  
24 IF, LIKE, HE COULD, YOU KNOW, LIKE, FIND SOME PEOPLE OR, YOU  
25 KNOW, IF HE KNOWS PEOPLE THAT WOULD BUY MARIJUANA, THEN, YOU

1 KNOW, I HAVE PEOPLE THAT WILL BRING OR IF I, IF ME, MYSELF, THAT  
2 IF I FIND OR I KNOW ANYBODY IN ATLANTA THAT THEY WANT TO BUY  
3 MARIJUANA, THEN I COULD ASK HIM TO HOLD THE MARIJUANA WHEN I  
4 SEND IT TO HIM AND THEN THE OTHER PEOPLE WOULD COME AND PICK UP  
5 FROM HIM. THAT'S THE CONVERSATION.

6 Q. WHEN YOU HEARD HIM ASK YOU WHETHER THERE WAS ANYTHING ELSE  
7 HE COULD DO, WHAT WAS YOUR UNDERSTANDING OF -- WHAT DID YOU  
8 UNDERSTAND HIM TO BE ASKING YOU? WHAT DID HE MEAN FROM YOUR  
9 UNDERSTANDING BY "ANYTHING ELSE HE COULD DO"?

10 A. FOR WHAT I UNDERSTAND, I JUST KNOW THAT -- I JUST THINK  
11 THAT HE WANT TO MAKE SOME MORE MONEY.

12 Q. NOW, DID THE MONEY THAT YOU GAVE TO DAVID COME FROM  
13 MARIJUANA THAT YOU SOLD?

14 A. YES.

15 Q. DID THE 414, \$415,000 THAT WAS SEIZED COME FROM MARIJUANA?

16 A. YES, MA'AM.

17 MS. TURNER: MAY I HAVE A MOMENT, YOUR HONOR?

18 THE COURT: QUICKLY.

19 MS. TURNER: NOTHING FURTHER, YOUR HONOR.

20 (CONCLUSION OF TESTIMONY ON 5/23/06.)

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C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, MONTRELL VANN, CCR, RPR, RMR, CRR, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF GEORGIA, DO HEREBY CERTIFY THAT THE FOREGOING 44 PAGES CONSTITUTE A TRUE TRANSCRIPT OF PROCEEDINGS HAD BEFORE THE SAID COURT, HELD IN THE CITY OF ATLANTA, GEORGIA, IN THE MATTER THEREIN STATED.

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS, THE 29TH DAY OF JUNE 2006.



MONTRELL VANN, RPR, RMR, CRR  
OFFICIAL COURT REPORTER  
NORTHERN DISTRICT OF GEORGIA